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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, THE STATE )  
OF CALIFORNIA, THE STATE OF )  
DELAWARE, THE STATE OF FLORIDA, )  
THE STATE OF GEORGIA, THE STATE OF )  
HAWAII, THE STATE OF ILLINOIS, )  
THE STATE OF INDIANA, THE STATE OF )  
LOUISIANA, THE COMMONWEALTH )  
OF MASSACHUSETTS, THE STATE )  
OF MICHIGAN, THE STATE OF MONTANA, )  
THE STATE OF NEVADA, THE STATE )  
OF NEW HAMPSHIRE, THE STATE OF NEW )  
JERSEY, THE STATE OF NEW MEXICO, )  
THE STATE OF NEW YORK, )  
THE STATE OF OKLAHOMA, THE STATE )  
OF RHODE ISLAND, THE STATE OF )  
TENNESSEE, THE STATE OF TEXAS, THE )  
COMMONWEALTH OF VIRGINIA, )  
THE STATE OF WISCONSIN, THE DISTRICT )  
OF COLUMBIA, AND THE CITY OF NEW )  
YORK, *ex rel.* LAURIE SIMPSON, )

Plaintiffs/Relators, )

v. )

BAYER CORP.; BAYER HEALTHCARE )  
PHARMACEUTICALS, INC.; BAYER )  
HEALTHCARE, LLC; AND BAYER AG, )

Defendants. )

*Civil Action No. 05-3895 (JLL)*

STATES' SECOND AMENDED  
JOINT NOTICE OF ELECTION TO  
DECLINE INTERVENTION

This Court, in an Opinion dated August 30, 2013, dismissed without prejudice the State and local claims on the grounds that relator had not persuaded the Court that the Court could waive the State False Claims Act requirements that the government must decline to intervene before the relator could proceed. The Court granted relator thirty (30) days in which to amend the Complaint. In response to this Opinion, in a filing dated September 25, 2013, the undersigned, on behalf of the State of New Jersey, and at the specific request of the following named states: California, Florida, Hawaii, Illinois, Indiana, Massachusetts, Michigan, Nevada, New Hampshire, New York, Oklahoma, Rhode Island and Wisconsin, respectively notified the Court of their decisions not to intervene in this action pursuant to the New Jersey False Claims Act, N.J.S.A. § 2A:32C-5(g)(2).

The State of New Jersey filed an Amended Joint Notice of Election to Decline Intervention on October 4, 2013 in order to advise the Court that additional states -- Delaware, New Mexico and Tennessee, along with the City of New York -- sought to join in New Jersey's Joint Notice of Election to Decline Intervention.<sup>1</sup>

The State of New Jersey now files a Second Amended Joint Notice of Election to Decline Intervention to advise the Court that additional states -- Georgia, Louisiana, Montana, and Virginia, along with Washington, D.C. (hereinafter referenced along with the prior filing states as "the States") -- seek to join New Jersey's Joint Notice of Election to Decline Intervention.

Although the States decline to intervene, the States respectfully request pursuant

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<sup>1</sup> The relator filed this action under the federal False Claims Act and similar statutes existing in the jurisdictions of the States. The States have asked undersigned counsel for the State of New Jersey to inform the Court that they have also decided not to intervene in this action. This joint filing is being done to facilitate the orderly notice of non-intervention by all of the participating States and to further the efficient administration of this action by the Court.

to their respective statutes that, should either the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the States before ruling or granting its approval.

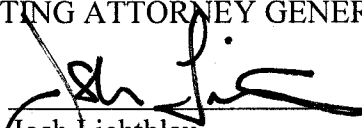
The States also request that all pleadings filed in this action be served upon them pursuant to their respective statutes, and that orders issued by the Court be sent to the counsel for the States. The States also reserve their rights to order any deposition transcripts, and, to the extent applicable under their respective statutes, to intervene in this action, for good cause, at a later date, and/or to seek the dismissal of the relator's action or claims. The States also request that they be served with all notices of appeal.

A proposed Order addressing all of the above-referenced issues accompanies this Amended Notice.

Respectfully submitted,

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY

By:

  
Josh Lichtblau  
Assistant Attorney General

Dated: October 16, 2013